IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 936 OF 2004

IN

SUMMARY SUIT NO. 2637 OF 2004

Union Bank of India .. Plaintiffs.

vs.

Deepak Ruparel .. Defendant.

Mr.Vikas Warerkar i/by Warerkar & Warerkar
for plaintiffs.
Mr. V.M. Vaghela for defendant.

CORAM : S.U. KAMDAR, J.
DATE : 10TH OCTOBER, 2005.

P.C.

. The bill of exchange is not stamped. In that view of the matter, unconditional leave to defend is required to be granted. However, the learned counsel for the plaintiffs relies upon the notification dated 1.8.1989. The said notification dated 1.8.1989 has no application in the facts of the present case. It only provides remission of the stamp duty chargeable under Article 13 of Schedule I of the Indian Stamp Act. The bill of exchange is required to be stamped under the provisions of the

Bombay Stamp Act and in that view of the matter, notification has no relevance. Unconditional leave to defend the suit is granted to the defendant.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.